

REMARKS

Claims 9-29 are pending in the current application. Claims 13, 14, 20, 21 and 23-29 have been withdrawn from consideration based on a restriction issued by the Examiner. Claims 9, 16 and 23 are independent claims.

Election and Restriction Requirement

As noted by the Examiner, the Applicant previously elected Species IV in the reply filed on October 6, 2004. The Examiner now alleges that “the subject matter recited in claims 13, 14, 20, 21 and 23-29 is not shown in the Figures associated with the elected species” (page 2 of the Office Action). Specifically, the Examiner alleges that the specific elements which are not shown are “first and second plates attached to the transverse crossbeams, further first and second crossbeams connected to the transverse beams adjacent the first and second plates and the provision of a single segment drive shaft running perpendicular or horizontal” (page 2 of the Office Action).

Applicant directs the Examiner to the Specification as well as Figures 16-19. The “load floor” as recited in claim 13 may read on the “load floor 28A” as shown in Figures 16-19 (page 22, paragraph [0054]). The Specification reads “[h]alf shaft differential 32 has a three point mounting to the vehicle frame. Two of the mounts are ears 70 on the top main bulb of the half shaft differential 32 that are bolted to a transverse beam 71 of the vehicle frame. The third mount is an ear (not shown) on the front of the differential that is bolted to another transverse beam of the vehicle frame” (page 22, paragraph [0055]).

The Specification then proceeds to describe gear boxes. The Specification reads “[g]ear boxes 68 are supported on plates 72 that are carried on a pair of trailing arms 74 of a low profile rear suspension system. The forward ends of the trailing arms 74 are pivotally mounted to the vehicle frame. One trailing arm 74 is mounted on one side of the vehicle and

the other trailing arm 74 is mounted on the other side of the vehicle. Each gear box has an output shaft high up on its outer face that extends through mounting plate 72” (page 23, paragraph [0055]). The Specification further reads that “a torque box 78 connects trailing arms 74” (page 23, column [0055]). The Specification further reads that the “torque box 78 is formed by a parallel pair of mutually spaced transverse beam members 78A and 78B that extend from one trailing arm 74 to the other and are rigidly connected to inside faces of the trailing arm 74. The torque box 78 can be reinforced as for example by plates on the upper end or lower faces of the torque box, and/or with diagonal bracing on those faces” (page 23, [0055]). Further, the drive shaft 18 which may be a single segment drive shaft has been described with respect to previous embodiments in the Specification (e.g., Figure 2). Thus, the single segment drive shaft and orientation thereof is not discussed with respect to Figure 16-19 merely for the sake of brevity.

In view of the above remarks, Applicant respectfully submits that “first and second transverse beam members secured between said first and second trailing arms beneath said load floor” and “a first plate attached to said first and second transverse beams adjacent to said first trailing arm” and “a second plate attached to said first and second transverse beams adjacent to said second trailing arm and spaced from said first plate” as recited in claims 13 and 20 are supported by the Specification. Further, in view of the above remarks, Applicant respectfully submits that the claim language “a single segment drive shaft that transfers drive torque between said output and said differential that runs perpendicular to horizontal” as recited in independent claim 23 is supported by the Specification.

As such, the restriction should be withdrawn as to claims 14, 21 and 24-29, dependent on claims 13, 20 and 23, respectively, at least for the reasons given above with respect to claims 13, 20 and 23. Applicant respectfully requests that the Examiner withdraw this objection.

Information Disclosure Statements

The Examiner's comments are noted.

Specification

The Examiner has indicated that "floor28a" should read as "floor 28a" on page 11, line 17. By this Amendment, Applicant respectfully submits that the typographical error has been corrected. Applicant respectfully requests that the Examiner withdraw this objection.

Claim Objections

Claims 12, 19, 23 and 26 stand rejected to for minor informalities. Applicant respectfully directs the Examiner to Amendments filed with this response and submits that the informalities have been corrected. Applicant respectfully requests that the Examiner withdraw this objection.

35 U.S.C. § 103 (a) Mullican and Vin

Claims 9, 10, 12, 15, 16, 17, 19 and 22 stand rejected under 35 U.S.C. § 103 (a) as being unpatentable over Mullican and Vin. Applicant respectfully traverses this art grounds of rejection.

Mullican discloses a squatdown axle and suspension system. Specifically, Mullican discloses that an airbag may be inflated or deflated in order to adjust the position of a cargo bed and frame on a road surface. A removable pulley may be used with a winch, cable and an adjustable axial to achieve this effect.

Applicant agrees with the Examiner in that "Mullican et al. fails to teach the wheels as being driven by an engine supported on the frame, including a transfer device with axially offset power input and output elements, the drive accomplished by a drive axle which is

substantially horizontal” (page 4 of the Office Action). Applicant cannot understand why Mullican is being used as the primary reference, given its glaring deficiencies in disclosing or suggesting the features of independent claims 9 and 16. The Examiner seeks to combine Vin with Mullican in order to overcome the above described deficiencies. However, Vin includes similar deficiencies.

Vin discloses a vehicle drive train. Applicant respectfully submits that neither Vin nor Mullican discloses “a single segment drive shaft that transfers drive torque between said output and said differential” as recited in independent claims 9 and 16 (Emphasis added).

Vin’s two shafts between the engine 1 and the multiple rear wheel drives appear segmented at four distinct points. Universal joints 9, 12, 19 and 21 break up, or segment, each of the pair of the pair of drive shafts between the transfer case 6 and rear drive into five distinct shaft segments.

In the presently recited claims, a single segment shaft transfers drive torque between said output and said differential, which distinguishes Vin’s multiple shafts and tandem wheel drive arrangement.

For at least this reason, Applicant respectfully submits that the combination of Mullican and Vin cannot disclose or suggest “a single segment drive shaft that transfers drive torque between said output and said differential” as recited in independent claims 9 and 16.

As such, claims 10, 12, 15, 17, 19 and 22, dependent upon independent claims 9 and 16, respectively, are likewise allowable over Vin and Mullican at least for the reasons given above with respect to independent claims 9 and 16. Applicant respectfully requests that the Examiner withdraw this art grounds of rejection. Reconsideration and allowance of all pending claims is respectfully requested.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 9-12, 15-19 and 22 in connection with the present application is earnestly solicited. Should claims 9 be held allowable, Applicant submits that claims 13 and 14 should be rejoined. Similar with respect to claim 16, claims 20 and 21 should be rejoined upon an indication that claims 16 is allowable. As Applicant submits that the restriction to claim 23 is improper, an early indication of the allowability of claims 23-29 is kindly requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By



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